UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
BAROT, BHARAT

ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/641,553	WANG ET AL.
	Examiner	Art Unit
	Bharat N. Barot	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7,8,10,18 and 20-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7,8,10,18 and 20-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

RESPONSE TO AMENDMENT

1.   Claims 7-8, 10, 18, and 20-31 remain for further examination.

The old rejection maintained

2.   Applicant's arguments with respect to claims 7-8, 10, 18, and 20-31 filed on March 10, 2006 have been fully considered but they are not deemed to be persuasive for the claims 7-8, 10, 18, and 20-31. The rejection is respectfully maintained as set forth in the last Office Action mailed on December 12, 2005.

Claim Rejections - 35 USC § 102(b)

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4.   Claims 7-8, 10, 18, 20-24, and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Dolev (U.S. Patent No. 5,029,159).

        Dolev's patent meets all the limitations for claims 7-8, 10, 18, 20-24, and 28-31 recited in the claimed invention.

5.   As to claim 7, Dolev discloses a distributed system including a plurality of

redundant components (see abstract; figure 1; column 1 lines 12-64; column 2 lines 4-

15; and column 9 lines 48-59), and teaches a method for performance by a first

redundant component (see summary of the invention), comprising: transmitting

information (succession of signals) particular to the first redundant component to all

other components in the plurality of redundant components, the information relating to

one or more criteria according to which a currently-active leader component is to be

determined (column 3 lines 9-18); receiving information from each other component in

the plurality of redundant components particular to each component and relating to the

one or more criteria according to which the currently-active leader component is to be

determined (column 3 lines 18-21); and determining whether the first redundant

component is the currently-active leader component by comparing the information

particular to the first redundant component with the information received from each of

the redundant components, wherein, if the first redundant component determines that it

is not the currently-active leader component, the first component knows one of the

component of in the plurality of redundant components is the currently-active leader

component (figure 3; column 2 lines 42-61; column 3 lines 22-44; and column 6 line 47

to column 7 line 20).

6.   As to claim 8, Dolev discloses that periodically repeating the method (figure 3;

column 2 lines 57-61; column 3 lines 41-44; and column 7 lines 6-20).

7.   As to claim 10, Dolev teaches that the transmitting the information particular to

the first component comprises transmitting age information (terminal identification code)

particular to the first component, and the receiving the information particular to the other

components comprises receiving age information (terminal identification code) particular

to the other components (column 6 lines 33-46).

8.   As to claim 18, Dolev teaches that the determining whether the first component is

the currently-active leader component comprises determining whether the first

component is an oldest component (column 6 lines 24-32; and column 9 lines 48-59).

9.   As to claims 20-23, they are also rejected for the same reasons set forth to

rejecting claims 7-8, 10, and 18 above.

10.   As to claim 24, Dolev teaches that the exchanging age information (terminal

identification code) includes exchanging information regarding how long each

component in the plurality of redundant components has been online (in the token ring)

(column 6 lines 24-46; and column 9 lines 48-59).

11.   As to claim 28-31, Dolev disclose that the redundant components are redundant

executing processes, redundant class objects, redundant devices in an automation

system, redundant nodes in a network (see abstract and summary of the invention;

figure 2; and column 4 line 4-68)

Claim Rejections - 35 USC § 103(a)

12.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

13.   Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Delve (U.S. Patent No. 5,029,159) in view of Badovinatz et al (U.S. Patent No.

5,699,501).

14.   As to claims 25-26, Dolev does not disclose that the redundant components are

redundant instances of a daemon.

Badovinatz et al disclose a distributed system including a plurality of redundant

components (see abstract; figures 1-3; and column 3 line 34 to column 4 line 44) and

also disclose that the redundant components are redundant instances of a daemon and

the daemon is a system management daemon (column 4 line 29 to column 5 line 9; and

column 6 line 20 to column 7 line 44).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to incorporate the teaching of Badovinatz et al as stated above with the

distributed system including a plurality of redundant components of Dolev because it

would have provided an integrated framework for designing and implementing fault-

tolerant subsystems or redundant components.

15.   As to claim 27, neither Dolev nor Badovinatz discloses that the daemon is a

power line monitoring daemon. However, "Official Notice" is taken that the concept and

advantages of using daemon as a power line monitoring daemon.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify combination of Dolev and Badovinatz the concept of using daemon

as a power line monitoring daemon because it would have provided consistent recovery

of multiple subsystems or redundant components.

Response to Arguments

16.   Applicant's arguments with respect to claims 7-8, 10, 18, and 20-31 filed on

March 10, 2006 have been fully considered but they are not deemed to be persuasive

for the claims 7-8, 10, 18, and 20-31.

17.   In the remarks, the applicant argues that:

(A)   **Argument:** (Page 7) Dolev does not describe the nodes on the token ring

network as being redundant in any manner OR discuss the redundancy of any node in

the token ring network; and also argue that the method of Dolev is not compatible with

and will not function correctly in a first redundant component.

        Response: Dolev explicitly describes that if a master terminal fails, the system

recover by transfer of master terminal duties to a subservient terminal (column 1 line 65

to column 2 line 15) which implies that the redundancy of a node in the token ring

network; and also teaches that a leadership selection procedure (see summary of the invention and figure 3) which is compatible with and function correctly in a first redundant component.

(B)   Argument: (Page 8) Dolev does not disclose that the transmitting of one or more criteria, or transmitting of any criteria at all.

Response: Dolev explicitly discloses that a first terminal transmitting in the token ring system a succession of signals to select a system leader (column 3 lines 3-18) which implies that the transmitting of one or more criteria; and Dolev also discloses that each signals has a terminal identification characteristic, but applicant specification state that the one or more criteria may or may not identify the component; therefore, the applicant arguments are deemed to be moot.

(C)   Argument: (Page 8) Dolev does not disclose that the first redundant component determines that it is the currently-active leader component and also does not disclose a currently-active leader component.

Response: Dolev explicitly discloses that a terminal determines that it is the currently-active leader by mapping reference value with reference signal (figure 3; column 2 lines 42-61; and column 3 lines 3-40) and also discloses currently-active leader (column 2 lines 57-61; and column 3 lines 28-31 and 50-54) which implies the claimed invention; therefore, the applicant arguments are deemed to be moot.

18.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

19.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

BHARAT BAROT
PRIMARY EXAMINER

Patent Examiner Bharat Barot

Art Unit 2155

June 01, 2006